

**OFFICE OF THE PROSECUTOR OF LUCAS COUNTY**

**OPINION NO. 01-1**

Thomas G. Skeldon, Chief Dog Warden  
County of Lucas  
Department of Dog Warden  
410 South Erie St.  
Toledo, OH 43602

August 22, 2001

**SYLLABUS**

A board of trustees of an urban limited home rule township may adopt and enforce local regulations or resolutions to control dogs, including rabies vaccinations and is not precluded from adopting such a resolution because the county board of commissioners has concurrently adopted a dog control resolution.

**OPINION**

You have asked whether Sylvania Township, as an urban limited home rule township, may adopt its own rabies vaccination resolution or regulation, or whether it is precluded from doing so because of a similar resolution enacted by the Lucas County Board of Commissioners. The Sylvania Township Board of Trustees has expressed an interest in passing a resolution regarding dog control, specifically rabies vaccinations requirements. The township is operating under resolutions passed by the Lucas County Board of Commissioners for unincorporated areas of the county. Sylvania Township is an urban, limited home rule township.

At issue is Ohio Revised Code 955.221(B)(2), which allows the adoption and enforcement of resolutions by a board of township trustees only “if the township is located in a county where the board of county commissioners has not adopted resolutions to control dogs within the unincorporated areas of the county...” Lucas County has enacted such legislation pursuant to this section of the revised code.



R.C. 955.221(B)(2), which was enacted in 1990, makes reference to “townships” generally. However, in 1999, limited home rule government for townships was established. *See*, Ohio Revised Code Chapter 504. Thus, while traditionally governed townships may only enact laws to the extent expressly permitted by the General Assembly, the intent of the limited home rule legislation was to provide broader powers to the township trustees. *See Bd. of Bainbridge Twp. Trustees v. Funtime, Inc.* (1990), 55 Ohio St.3d 106, 108. *See e.g.*, R.C. 504.04(A) (a township that adopts a limited home rule government may adopt and enforce local police, sanitary, and other similar regulations). Under R.C. 504.04, (A)(1), a limited home rule township is permitted to exercise “all powers of local self-government within the unincorporated area of the township,” including the adoption and enforcement of regulations not in conflict with “general laws.”<sup>1</sup> This enforcement power is limited under R.C.504.04(B)(1) et al., by forbidding the creation of criminal offenses or criminal penalties, permitting only civil fines for infractions.

Ohio courts have further held that statutes relating to the same matter or subject, which have been passed at different times and may, in fact, make no reference to each other, are compatible and therefore, “should be read together to ascertain and effectuate if possible the legislative intent.” *See, State v. Cravens*, (1988) 42 Ohio App. 3d 69, 72.

Thus, because R.C. 955.211(B)(2) was passed prior to the enactment of the limited home rule township statute, it is my opinion and you are so advised, that R.C. 955.211(B)(2) applies only to townships not governed by the newly enacted limited home rule township statute. Therefore, a board of trustees of a limited home rule urban township may adopt and enforce local regulations or resolutions to control dogs, including rabies vaccinations and not have to abide by such resolutions adopted by the board of county commissioners.

Sincerely,

JULIA R. BATES  
Prosecuting Attorney

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<sup>1</sup>The Ohio Supreme Court has recently defined “general laws” as “those enacted by the General Assembly to safeguard the peace, health, morals, safety and property of the people of the state.” *Village of Linndale v. State of Ohio* (1999), 85 Ohio St. 3d 52. 242. “General laws operate uniformly throughout the State, prescribe a rule of conduct upon citizens generally, and operate with uniform application throughout the state under the same circumstances and conditions. *Garcia v. Siffrin Residential Ass’n*, (1980), 63 Ohio St. 2d 259, 271. Neither R.C. 955.221(B)(2) or R.C. 504.04 appear to conflict or fall within the definition of a general law.

JRB/kdh